




State of New Jersey
DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
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July 2006

TO: County Certifying Officers of the Public Employees' Retirement System (PERS) and the Police and Firemen's Retirement System (PFRS)

FROM: Florence J. Sheppard 
Deputy Director, Benefit Operations

SUBJECT: Chapter 366, P.L. 2005 — Enrollment of Fire Marshals into the Police and Firemen's Retirement System (PFRS)

Chapter 366, P.L. 2005, effective January 12, 2006, requires that "Fire Marshals" be enrolled in the Police and Firemen's Retirement System (PFRS).

For the purposes of this law, a "Fire Marshal" is defined as a permanent, full-time **County Fire Marshal** or **Assistant County Fire Marshal** who is authorized by the County Board of Chosen Freeholders to provide municipal fire departments with assistance as necessary to coordinate, control, or extinguish any fire situation or other emergency situation as defined under N.J.S.A. 40A:14-2b(8). Individuals appointed to part-time positions are not eligible for participation in the PFRS under this legislation.

Enrollees must also meet all of the eligibility requirements for qualification for enrollment in the PFRS, **except** that a qualifying County Fire Marshal or Assistant County Fire Marshal who is *in service at the time this law takes effect* **will be exempt from any age requirement** for enrollment in the PFRS.

Individuals hired into these positions **after** the effective date of this law, will have to meet the maximum age requirements of the PFRS.

All enrollees in eligible positions, where the County Board of Chosen Freeholders authorizes such positions to perform the duties as defined under N.J.S.A. 40A:14-2b(8), are **required to pass a physical examination** and submit a current PFRS *Report of Examining Physician* to the Division of Pensions and Benefits.

In addition, any qualifying County Fire Marshal or Assistant County Fire Marshal given approval by the County Board of Chosen Freeholders on or after October 1, 2001, shall be enrolled as a member in the Police and Firemen's Retirement System **effective upon the date when such approval by the County Board of Chosen Freeholders was given**. Posthumous enrollment or the enrollment of retired fire marshals is not permitted.

Once enrolled, members eligible for Chapter 366 will receive the full member and survivor benefits available under the PFRS. Most members of the PFRS are subject to mandatory retirement at age 65.

ADMINISTRATION

Where the County Board of Chosen Freeholders has given authorization to full-time County Fire Marshals or Assistant County Fire Marshals to conduct such activities as defined under N.J.S.A. 40A:14-2b(8), the Certifying Officer should immediately enroll employees who meet the eligibility requirements of Chapter 366 into the PFRS.

- **Employers should submit a copy of any existing Resolution** that authorizes County Fire Marshals or Assistant County Fire Marshals to provide municipal fire departments with assistance as necessary to coordinate, control, or extinguish any fire situation or other emergency situation as defined under N.J.S.A. 40A:14-2b(8).

If such a Resolution does not currently exist, the County Board of Chosen Freeholders should adopt such a Resolution and the employer should forward a copy of the adopted Resolution to the Division of Pensions and Benefits. A sample Resolution form is enclosed for this purpose.

Note: If the duties of the County Fire Marshals or Assistant County Fire Marshals change and they are no longer authorized to perform the fire suppression duties as defined under N.J.S.A. 40A:14-2b(8), the County Board of Chosen Freeholders should adopt an amended Resolution and the employer should forward a copy of the amendment to the Division of Pensions and Benefits.

- **Employees and their employers should complete and submit an *Application for Enrollment*** into the PFRS to the Division of Pensions and Benefits (please mark the top of the application form “Chapter 366”).
- **Employers should submit a current *PFRS Report of Examining Physician*** form with the *Application for Enrollment* for each eligible employee.
- If the employee is currently enrolled as a County Fire Marshal or Assistant County Fire Marshal in the Public Employees’ Retirement System (PERS), an *Application for Interfund Transfer* should also accompany the *Application for Enrollment* if the member wishes to transfer such service to the PFRS.

Please be aware that if a member does not have at least 10 years of service in the PERS and they choose not to interfund transfer, their PERS account will expire after two years without contributions and the member will have to withdraw their contributions from the PERS account and forfeit service credit under that account.

The law specifically states that the cost of enrollment of a full-time County Fire Marshal or Assistant County Fire Marshal in the PFRS shall not be the responsibility of the State.

ADDITIONAL INFORMATION

If you have additional questions regarding Chapter 366, or any of the information provided in this letter, contact the Division’s Office of Client Services at (609) 292-7524, or e-mail the Division at: pensions.nj@treas.state.nj.us

Enclosure

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
NEW JERSEY DIVISION OF PENSIONS AND BENEFITS
PO Box 295
Trenton, New Jersey 08625-0295

RESOLUTION

A RESOLUTION by the County Board of Chosen Freeholders on the authorization for County Fire Marshals and Assistant County Fire Marshals to perform fire suppression duties in accordance with N.J.S.A. 40A:14-2b(8) and Chapter 366, P.L. 2005.

BE IT RESOLVED:

1. That the Board of Chosen Freeholders of _____ County

Name of County

hereby authorizes and permits County Fire Marshals and Assistant County Fire Marshals to perform fire suppression duties that include providing municipal fire departments with assistance as necessary to coordinate, control, or extinguish any fire situation or other emergency situation as defined under and in accordance with N.J.S.A. 40A:14-2b(8).
2. That by authorizing County Fire Marshals and Assistant County Fire Marshals to perform fire suppression duties in accordance with N.J.S.A. 40A:14-2b(8), the County Board of Chosen Freeholders understands that said County Fire Marshals and Assistant County Fire Marshals may be eligible under the provisions of Chapter 366, P.L. 2005, for enrollment into the Police and Firemen's Retirement System (PFRS).
3. The County Board of Chosen Freeholders, in accordance with the provisions of Chapter 366, P.L. 2005, does hereby also acknowledge and accept any direct or indirect costs, including pension liabilities, associated in the enrollment of the aforementioned County Fire Marshals and Assistant County Fire Marshals into the Police and Firemen's Retirement System (PFRS).
4. That the effective date of this resolution, will be _____ or

Insert Date

as soon thereafter as it may be effectuated pursuant to the statutes and regulations.

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the

Name of Employer	Street Address
on the _____ day of _____, 20____	City State ZIP Code
Signature	Area Code Telephone Number
Official Title	